

AN ACT

RELATING TO DEVELOPMENT TRAINING; ALLOWING FILM AND MULTIMEDIA
PRODUCTION COMPANIES TO QUALIFY FOR IN-PLANT TRAINING FUNDS;
PROVIDING FOR AN APPROVAL PROCESS FOR FILM AND MULTIMEDIA
PRODUCTION COMPANIES.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 21-19-7 NMSA 1978 (being Laws 1983, Chapter 299,
Section 1, as amended) is amended to read:

"21-19-7. DEVELOPMENT TRAINING.--

A. The economic development department shall establish a
development training program that provides quick-response classroom and in-plant
training to furnish qualified manpower resources for new or expanding industries, non-
retail service sector businesses in New Mexico and film and multimedia production
companies that have business or production procedures that require skills unique to
those industries. Training shall be custom designed for, and based on the special
requirements of, each company. The program shall be operated on a statewide basis
and shall be designed to assist any area in becoming more competitive economically.

B. There is created the "industrial training board" composed of:

- (1) the director of the economic development division of the
economic development department;
- (2) the director of the vocational education division of the state
department of public education;
- (3) the director of the job training division of the labor

department;

(4) the executive director of the commission on higher

education;

(5) one member from organized labor appointed by the

governor; and

(6) one public member from the business community appointed

by the governor.

C. The industrial training board shall establish policies and promulgate rules for the administration of appropriated funds and shall provide review and oversight to assure that funds expended from the development training fund generate business activity and give measurable growth to the economic base of New Mexico within the legal limits preserving the ecological state of New Mexico and its people.

D. Subject to the approval of the industrial training board, the economic development division of the economic development department shall:

(1) administer all funds allocated or appropriated for industrial development training purposes;

(2) provide designated training services;

(3) regulate, control and abandon any training program established under the provisions of this section;

(4) assist companies requesting training in the development of a training proposal to meet the companies' manpower needs;

(5) contract for the implementation of all training programs;

(6) provide for training by educational institutions or by a company through in-plant training, at that company's request; and

(7) evaluate training efforts on a basis of performance standards set forth by the industrial training board.

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E. The vocational education division of the state department of public education shall provide technical assistance to the economic development department concerning the development of agreements, the determination of the most appropriate instructional training to be provided and the review of training program implementation.

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F. Except as provided in Section 21-19-7.1 NMSA 1978 for film and multimedia production companies, the state shall contract with a company or an educational institution to provide training or instructional services in accordance with the approved training proposal and within the following limitations:

(1) no payment shall be made for training in excess of one thousand forty hours of training per trainee for the total duration of training;

(2) training applicants shall have resided within the state for a minimum of one year immediately prior to the commencement of the training program and be of legal status for employment; provided, however, that prior to July 1, 2004 the residency requirements may be waived in part for projects within New Mexico communities located within fifty miles of the state border if the project meets the following criteria:

(a) the project will employ more than one thousand five hundred employees;

(b) the resident labor force within a fifty-mile radius of the project location is not sufficient to fill the full-time-equivalent position requirements of the project as determined by the labor department;

(c) preference for training shall be given to New Mexico

residents; and

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(d) no less than fifty percent of the project's work force shall be residents of New Mexico;

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(3) payment for institutional classroom training shall be made pursuant to any accepted training contract for a qualified training program;

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(4) no payment shall be made pursuant to any accepted training contract for rental of facilities unless facilities are not available on site or at the educational institution;

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(5) all applicants shall be eligible under the federal Fair Labor Standards Act of 1938, as amended, and shall not have terminated a public school program within the past three months except by graduation;

(6) trainees shall be guaranteed full-time employment with the contracted company upon successful completion of the training;

(7) persons employed to provide the instructional services shall be exempt from the minimum requirements established in the state plan for other state vocational programs; and

(8) no payment shall be made for training programs or production of Indian jewelry or imitation Indian jewelry unless a majority of those involved in the training program or production are of Indian descent.”

Section 2. A new Section 21-19-7.1 NMSA 1978 is enacted to read:

"21-19-7.1. DEVELOPMENT TRAINING FOR FILM AND MULTIMEDIA PRODUCTION COMPANIES.--After consulting with the New Mexico film division of the economic development department, the industrial training board shall promulgate rules for development funding for film and multimedia production companies. The rules shall

provide:

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A. for preapproval by the New Mexico film division of personnel who:

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(1) are New Mexico residents;

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(2) have attended a training course sponsored in part by an

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accredited educational institution in New Mexico, the labor department or the New

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Mexico film division; and

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(3) have been certified as a film and multimedia trainee by the

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New Mexico film division;

B. for submission to the economic development division of the

economic development department by a film or multimedia production company, after

completing production in New Mexico, of employment, salary and related information

concerning those personnel who have been:

(1) approved by the New Mexico film division pursuant to

Subsection A of this section; and

(2) employed by the production company in a film or multimedia

production in New Mexico;

C. after approval by the economic development division, for

reimbursement from the development training fund to the production company of fifty

percent of the salaries paid to the personnel for whom information is submitted

pursuant to Subsection B of this section; and

D. that the reimbursement shall be made by the economic

development division without further action or approval of the industrial training board."

Section 3. TEMPORARY PROVISION.--Up to one million dollars (\$1,000,000)
of the balances of the development training fund may be expended in fiscal year 2004

to reimburse film and multimedia production companies pursuant to the provisions of Section 21-19-7.1 NMSA 1978 and up to twenty-five thousand dollars (\$25,000) of the balances of the fund may be expended in fiscal year 2004 for costs incurred in administering the provisions of Section 21-19-7.1 NMSA 1978.

Section 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, ~~2003~~ 2004